

Call to Order:

This meeting was called to order in the Vilas County main courtroom at 4:04 P.M. by Chairman Jim Behling with the following committee members present: Emil Bakka, Ed Bluthardt, Jr., Bob Egan, Sig Hjenvick, Erv Teichmiller and Linda Thorpe.

Others present during this meeting: 16 Vilas County employees were also in attendance.

Open meeting notices and quorum present verified by the Chairman.

Approve agenda to be discussed in any order by the Chair:

Motion by L. Thorpe 2nd by E. Bakka to approve the agenda to be discussed in any order by the Chair. All voted aye. Carried.

Approve minutes of the July 25, 2011 meeting:

Motion by E. Bluthardt, 2nd by B. Egan to approve the minutes of the July 25, 2011 meeting as presented. All voted aye. Carried.

Grievance policy final draft:

a. Presentation to County employees:

J. Behling began a review of the Grievance Policy draft by reading and/or paraphrasing each chapter and section in the order printed. Recently received Discipline/Termination and Workplace Safety grievance forms were handed out and reviewed. The Discipline/Termination grievance form shall be labeled Appendix A. The Workplace Safety grievance form shall be labeled Appendix C. Sections of the Grievance Policy draft that were cause for questions and/or discussion are included as follows:

1.02(6) B. Egan suggests that the term **Working Day** needs further description beyond **when the County courthouse is open for business**. How would this apply to departments such as Highway and Sheriff which work schedules beyond that description? E. Bluthardt interprets 1.02(6) as simply determining that the term **working day(s)** means each day the Courthouse is open. The Chair will ask A. Phillips to clarify.

1.03(2) **If the Grievance cannot be resolved, the Human Resource Director may deliver a written response to the Grievant...** The word *may* in this sentence is being interpreted by some to allow the HR Director the choice of not responding to the Grievant in writing, as to why a grievance has been denied. This is objectionable to them. The Chair will ask A. Phillips to clarify.

1.03(2) The initial draft copies provided state **ten (10) working days**. The copy received from A. Phillips on August 15th state **five (5) working days**. J. Behling maintains that this change actually benefits the employee. Others disagree. The Chair will ask A. Phillips to clarify.

1.03(5) **If no written decision is received by the Grievant within twenty (20) working days following completion of the hearing, the Grievance shall be considered sustained.** E. Teichmiller objects to this language. He would like it to be a mandatory provision that a written decision be given to the Grievant by the IHO, notwithstanding the outcome of the grievance.

1.04(1)(a) J. Galloway would like the filing chain (i.e. Dept. Head, Safety Manager and Safety Committee) of a workplace safety issue, prior to the involvement of the HR Director, listed in the grievance policy. J. Behling explained that the Grievance Policy language as stated under 1.04(1)(a) is correct. The policy only refers to the procedure that is followed when a workplace safety issue is grieved.

E. Teichmiller again objected to 1.03(2). He maintains that it is “discourteous and disrespectful” to not require that a written decision be given to the Grievant. E. Bluthardt feels that E. Teichmiller’s objection is not “accurate or reasonable.” J. Behling feels that the existing language is “fine as written.” **Motion by E. Teichmiller that the language in 1.03(5) and 1.05(4) be amended to require that a written decision is provided to the Grievant by both the IHO and the County Board.** This motion failed due to the lack of a second.

1.05(3) **Written decision of the County Board. The County Board shall deliver a written decision...** E. Bluthardt feels that *shall* conflicts with 1.05(4) in that (4) indicates that the County Board has the option to provide the Grievant with a written decision as indicated in 1.05(4) **Contents of County Board Decision. If no written decision is received by the Grievant...** E. Bluthardt also feels that under (4), an error exists in the word *denied* as used in **...is presented to the County Board for review, the Grievance shall be considered denied.** He maintains that the correct word should be *sustained*.

Motion by E. Bluthardt, 2nd by B. Egan to remove the word denied in 1.05(4) and to replace it with the word sustained. All voted aye. Carried. The Chair will ask A. Phillips to clarify.

1.04(2)(a) J. Galloway believes that in the sentence **If the County determines that the condition does not constitute a Workplace Safety violation...** the word *not* is used in error. J. Behling interprets the sentence to mean what it says. The Chair will ask A. Phillips to clarify.

1.03(3)(h) This paragraph was discussed at length. It was felt that the language was confusing and unclear. The Chair will ask A. Phillips to clarify.

1.04(3)(i) There was discussion concerning offering the option of an open hearing. The Chair will ask A. Phillips to clarify.

At this time the Chair asked the audience for their comments and/or questions.

Joe Fortmann: 1.04(a) Why is the Department Head excluded in this paragraph? Shouldn’t a workplace safety violation be reported first to the department head? J. Behling responded that safety issue would first need to be presented to the department head – that will be spelled out in the employee manual. The language refers to the filing of a grievance if the safety violation is not properly dealt with.

Joe Fortmann: How often will this Grievance Policy be reviewed for relevance and effect? J. Behling responded that the grievance policy prescribes no limits regarding policy review or modification. The policy can be changed at any time as deemed necessary.

Janet Christenson: 1.01(2) Why does this language not require prior notice of the County’s intent to modify the Grievance Policy? The County could simply nullify the policy without notice. J. Behling responded that the language simply states that the policy is the County’s and that the County does not require permission from any other entity to review or modify the policy. Regarding possible policy nullification, J. Behling reminded the audience that the Grievance Policy was required by law. He also reminded the audience that any future action concerning the Grievance Policy would need to be discussed and acted upon in an open meeting that had been lawfully posted.

Linda Small: 1.03(3)(h) She is unclear how the burden of proof language pertains to DSS employees. E. Bluthardt explained that the language in 1.03(3)(h) concerned DSS employees who were grieving a termination. In that case the County bore the burden of proof under Wis. Admin. Code Chap. DHS 5. In all other cases the Grievant bore the burden of proof.

Janet Christenson: 1.03(1)(c) Questioned the lack of a defined time for the HR Director to refer the Grievant's response to the Personnel Committee. **Motion by E. Bluthardt, 2nd by B. Egan to amend language contained under 1.03(1)(c) to read as follows:**

Upon receipt of the Grievant's response, the Human Resources Director shall refer, within five (5) working days, the response to the Vilas County Personnel Committee. The Vilas County Personnel Committee shall, within five (5) working days, to determine whether the response is sufficient.

All voted aye. Carried.

Janet Christenson: Questioned the meaning of a workplace safety violation as used in the policy and also asked why a listing of safety violations was not enumerated in the policy. J. Behling replied that safety violation grievances were limited to unresolved workplace safety violations as determined by administrative code. Safety issues of any type, regardless of whether or not a safety violation has occurred or is present, still need to be resolved.

Marge Garsow: 1.03(2) Objects to the existing language under (2) not clarifying that a denial of a grievance by the HR Director opens the door for the Grievant to request a hearing before the Impartial Hearing Officer. The Chair will ask A. Phillips to clarify.

Constance Valkenaar: Questions the order of the hearing process. She feels that the policy language is confusing and that existing contract language is more understandable.

At this time the Chair made three additional calls for comments or questions. Hearing none, he moved onto the next agenda item.

Set next meeting date and time:

The next meeting was previously scheduled for 4:00 P.M. on Monday, August 29, 2011. J. Behling would like the committee to meet that morning at 10:00 A.M., prior to the Personnel Committee meeting scheduled for noon.

Letters and communications:

Nothing presented

Future agenda and action items:

The Chair instructed the clerk to add the following agenda items:

Review and Approve Grievance Policy

Vilas County Grievance Policy – Resolution to County Board

It is anticipated that a resolution will be prepared by the Corporation Counsel's office in preparation for signing at this meeting.

Adjournment:

Motion by E. Teichmiller, 2nd by E. Bluthardt to adjourn. All voted aye. Carried. Meeting adjourned at 6:14 P.M.

Respectfully Submitted,
David R. Alleman
Vilas County Clerk